

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

BEATRICE MURAWSKI,

Plaintiff,

v.

ZNS CARGO, INC., DAVRANOV

BAKHODIR,

Defendants.

No. 3:18-05010-CV-RK

ORDER

Before the Court is Plaintiff's Motion for Reconsideration. (Doc. 60.) Suggestions in opposition and reply suggestions were filed. (Docs. 62, 66.) For the reasons explained below, Plaintiff's Motion for Reconsideration is **GRANTED in part** and **DENIED in part**.

On October 19, 2018, the Court granted Plaintiff's motion seeking to cancel the deposition of Defendant Davranov Bakhodir scheduled for October 23, 2018, in Brooklyn, New York. (Doc. 56.) On October 22, 2018, the Court ordered Plaintiff to pay Defendant's reasonably incurred costs for the cancellation, including attorney's fees and travel expenses. (Doc. 59.) The court ordered Defendant to submit an affidavit and any other evidence of costs incurred as a result of Plaintiff's cancellation within fourteen (14) days. (Doc. 59.)

In compliance with the Court, Defendant submitted affidavits in support of its claims for reasonable expenses. (Doc. 62.) Defendant seeks a total reimbursement of \$1,545.41 from Plaintiff in reasonable expenses resulting from the cancelled deposition including airfare, lodging for three nights, and attorney's fees. Of this total amount, Defendant's counsel seeks \$352.91 in lodging and airfare expenses and \$1,192.50 in attorney's fees for time expended preparing the witness for the deposition. Plaintiff argues it is only proper for Plaintiff to pay for nonrefundable travel expenses for one night of lodging.

A. Airfare

While Defendant's counsel agrees to only seek one half of its airfare amount, the Court finds the award of any airfare inappropriate. Defendant's counsel traveled to New York for other

business, despite the cancelling of the deposition. Accordingly, because Defendant's counsel used the airfare for other business, airfare shall not be reimbursed.

B. Lodging

Next, Defendant's counsel seeks reimbursement for lodging expenses for three nights beginning October 21, 2018, through October 24, 2018. At the time the deposition was cancelled, the lodging was nonrefundable. Defendant's counsel seeks to have Plaintiff pay one half of the total lodging expenses. However, the record before the Court does not reflect why Defendant's counsel would require three nights of lodging as opposed to one for a deposition. Plaintiff shall reimburse Defendant's counsel \$183.86 for one night of lodging.

C. Attorney's Fees

Finally, Defendant's counsel seeks to have all attorney's fees that were expended in connection with reviewing, meeting with, and preparing the Defendant Davranov for deposition on October 22, 2018. However, the record before the Court does not provide how much additional attorney work hours were required to "refresh" or "re-prepare" Defendant Davranov for the rescheduled deposition on November 28, 2018. As a result, the Court is unable to determine how many attorney work hours were wasted in preparation for the cancelled October 23, 2018, deposition. Accordingly, Defendant's counsel is not awarded any attorney's fees at this time.

Conclusion

After careful consideration, Plaintiff's Motion for Reconsideration (doc. 60) is **GRANTED in part** and **DENIED in part**. Plaintiff is **ORDERED** to reimburse Defendant for one night of lodging in the amount of \$183.86.

IT IS SO ORDERED.

s/ Roseann A. Ketchmark
ROSEANN A. KETCHMARK, JUDGE
UNITED STATES DISTRICT COURT

DATED: December 12, 2018